A bill to be entitled
An act relating to higher education; amending s. 1001.03, F.S.; requiring the State Board of Education to require Florida College System institutions to conduct an annual assessment related to intellectual freedom and viewpoint diversity at each institution; providing State Board of Education requirements relating to such assessment; amending s. 1001.706, F.S.; requiring the Board of Governors to require state universities to conduct an annual assessment related to intellectual freedom and viewpoint diversity at each university; providing Board of Governors requirements relating to such assessment; amending s. 1001.7065, F.S.; revising standards for the preeminent state research universities program; requiring such standards to be reported annually in a specified plan; repealing the "emerging preeminent state research university" designation within the State University System; repealing the programs of excellence designation within the State University System; creating the "state universities of distinction" designation within the State University System; requiring the Board of Governors to establish standards and measures for specific state university competencies; providing requirements for such...
standards and measures; authorizing the Board of
Governors to annually submit such programs to the
Legislature for funding by a specified date; amending
s. 1001.92, F.S.; revising the performance-based
metrics for state universities to include specific
data beginning in a certain fiscal year; authorizing
the Board of Governors to approve other metrics;
prohibiting the adjustment of such metrics and
benchmarks once specified data has been received;
amending s. 1004.085, F.S.; requiring innovative
pricing techniques and payment options to include an
opt-out provision; amending s. 1004.346, F.S.;
removing a limitation on the length of time a
Phosphate Research and Activities Board member may
serve after expiration of his or her term; amending s.
1011.90, F.S.; providing requirements for a specified
legislative budget request; requiring the Board of
Governors to define specified classifications in
regulation and provide such classifications in
specified budget requests; prohibiting the growth rate
of administrators at a state university from exceeding
the growth rate of faculty at such university;
providing effective dates.

Be It Enacted by the Legislature of the State of Florida:
Section 1. Subsection (19) is added to section 1001.03, Florida Statutes, to read:

1001.03 Specific powers of State Board of Education.—

(19) INTELLECTUAL FREEDOM AND VIEWPOINT DIVERSITY ASSESSMENT.—The State Board of Education shall require each Florida College System institution to conduct an annual assessment of the intellectual freedom and viewpoint diversity at that institution. The State Board of Education shall select or create an objective, nonpartisan, and statistically valid survey to be used by each institution that considers the extent to which competing ideas and perspectives are presented and members of the college community feel free to express their beliefs and viewpoints on campus and in the classroom. The State Board of Education shall annually compile and publish the assessments by September 1 of each year beginning on September 1, 2021.

Section 2. Paragraph (k) is added to subsection (3) of section 1001.706, Florida Statutes, to read:

1001.706 Powers and duties of the Board of Governors.—

(3) POWERS AND DUTIES RELATING TO ORGANIZATION AND OPERATION OF STATE UNIVERSITIES.—

(k) The Board of Governors shall require each state university to conduct an annual assessment of the intellectual freedom and viewpoint diversity at that institution. The Board
of Governors shall select or create an objective, nonpartisan, and statistically valid survey to be used by each state university that considers the extent to which competing ideas and perspectives are presented and members of the university community feel free to express their beliefs and viewpoints on campus and in the classroom. The Board of Governors shall annually compile and publish the assessments by September 1 of each year beginning on September 1, 2021.

Section 3. Effective upon this act becoming a law, subsections (2), (3), (5), (6), and (7) of section 1001.7065, Florida Statutes, are amended to read:

1001.7065 Preeminent state research universities program.—
(2) ACADEMIC AND RESEARCH EXCELLENCE STANDARDS.—The following academic and research excellence standards are established for the preeminent state research universities program and shall be reported annually in the Board of Governors Accountability Plan:

(a) An average weighted grade point average of 4.0 or higher on a 4.0 scale and an average SAT score of 1800 or higher on a 2400-point scale or 1200 or higher on a 1600-point scale for fall semester incoming freshmen, as reported annually.

(b) A top-50 ranking on at least two well-known and highly respected national public university rankings, including, but not limited to, the U.S. News and World Report rankings, reflecting national preeminence, using most recent rankings.
(c) A freshman retention rate of 90 percent or higher for full-time, first-time-in-college students, as reported annually to the Integrated Postsecondary Education Data System (IPEDS).

(d) A 4-year graduation rate of 60 percent or higher for full-time, first-time-in-college students, as reported annually to the IPEDS. However, for the 2018 determination of a state university's preeminence designation and the related distribution of the 2018-2019 fiscal year appropriation associated with preeminence and emerging preeminence, a university is considered to have satisfied this graduation rate measure by attaining a 6-year graduation rate of 70 percent or higher by October 1, 2017, for full-time, first-time-in-college students, as reported to the IPEDS and confirmed by the Board of Governors.

(e) Six or more faculty members at the state university who are members of a national academy, as reported by the Center for Measuring University Performance in the Top American Research Universities (TARU) annual report or the official membership directories maintained by each national academy.

(f) Total annual research expenditures, including federal research expenditures, of $200 million or more, as reported annually by the National Science Foundation (NSF).

(g) Total annual research expenditures in diversified nonmedical sciences of $150 million or more, based on data reported annually by the NSF.
(h) A top-100 university national ranking for research expenditures in five or more science, technology, engineering, or mathematics fields of study, as reported annually by the NSF.

(i) One hundred or more total patents awarded by the United States Patent and Trademark Office for the most recent 3-year period.

(j) Four hundred or more doctoral degrees awarded annually, including professional doctoral degrees awarded in medical and health care disciplines, as reported in the Board of Governors Annual Accountability Report.

(k) Two hundred or more postdoctoral appointees annually, as reported in the TARU annual report.

(l) An endowment of $500 million or more, as reported in the Board of Governors Annual Accountability Report.

(3) PREEMINENT STATE RESEARCH UNIVERSITY DESIGNATION.—

(a) The Board of Governors shall designate each state university that annually meets at least 11 of the 12 academic and research excellence standards identified in subsection (2) as a "preeminent state research university."

(b) The Board of Governors shall designate each state university that annually meets at least 6 of the 12 academic and research excellence standards identified in subsection (2) as an "emerging preeminent state research university."

(5) PREEMINENT STATE RESEARCH UNIVERSITIES PROGRAM SUPPORT.—
(a) A state university that is designated as a preeminent state research university shall submit to the Board of Governors a 5-year benchmark plan with target rankings on key performance metrics for national excellence. Upon approval by the Board of Governors, and upon the university's meeting the benchmark plan goals annually, the Board of Governors shall award the university its proportionate share of any funds provided annually to support the program created under this section.

(b) A state university designated as an emerging preeminent state research university shall submit to the Board of Governors a 5-year benchmark plan with target rankings on key performance metrics for national excellence. Upon approval by the Board of Governors, and upon the university's meeting the benchmark plan goals annually, the Board of Governors shall award the university its proportionate share of any funds provided annually to support the program created under this section.

(b)(c) The award of funds under this subsection is contingent upon funding provided by the Legislature to support the preeminent state research universities program created under this section. Funding increases appropriated beyond the amounts funded in the previous fiscal year shall be distributed equally to as follows:

1. each designated preeminent state research university that meets the criteria in paragraph (a) shall receive an equal
amount of funding.

2. Each designated emerging preeminent state research university that meets the criteria in paragraph (b) shall, beginning in the 2018-2019 fiscal year, receive an amount of funding that is equal to one-fourth of the total increased amount awarded to each designated preeminent state research university.

(6) PREEMINENT STATE RESEARCH UNIVERSITY FLEXIBILITY AUTHORITY.—The Board of Governors is encouraged to identify and grant all reasonable, feasible authority and flexibility to ensure that each designated preeminent state research university and each designated emerging preeminent state research university is free from unnecessary restrictions.

(7) STATE UNIVERSITIES PROGRAMS OF DISTINCTION EXCELLENCE THROUGHOUT THE STATE UNIVERSITY SYSTEM.—The Board of Governors shall establish standards and measures whereby state universities that focus on one core competency unique to the State University System that achieves excellence at the national or state level, meets state workforce needs, and fosters an innovation economy that focuses on areas such as health care, security, transportation, and science, technology, engineering, and mathematics (STEM), including supply chain management, individual undergraduate, graduate, and professional degree programs in state universities which objectively reflect national excellence can be identified. The Board of Governors
may annually submit such programs, excluding those from
preeminent state research universities, and make recommendations
to the Legislature by January September 1 for funding, 2018, as
to how any such programs could be enhanced and promoted.

Section 4. Subsection (1) of section 1001.92, Florida
Statutes, is amended to read:

1001.92  State University System Performance-Based
Incentive.—

(1) A State University System Performance-Based Incentive
shall be awarded to state universities using performance-based
metrics adopted by the Board of Governors of the State
University System. Beginning with the Board of Governors'
determination of each university's performance improvement and
achievement ratings for 2018, and the related distribution of
annual the 2018-2019 fiscal year appropriation, the performance-
based metrics must include:

(a) Beginning in fiscal year 2021-2022, a single
graduation rate metric comprised of 4-year graduation rates for
first-time-in-college students and 2-year graduation rates for
Florida College System institution Associate in Arts transfer
students;

(b) Retention rates;

(c) Postgraduation education rates;

(d) Degree production;

(e) Affordability;
(f) Postgraduation employment and salaries, including wage thresholds that reflect the added value of a baccalaureate degree;

(g) Access rate, based on the percentage of undergraduate students enrolled during the fall term who received a Pell Grant during the fall term; and

(h) Beginning in fiscal year 2021-2022, the 6-year graduation rate for students who are awarded a Pell Grant in their first year.

The Board of Governors may approve and other metrics approved by the board in a publicly formally noticed meeting. The board shall adopt benchmarks to evaluate each state university's performance on the metrics to measure the state university's achievement of institutional excellence or need for improvement and minimum requirements for eligibility to receive performance funding. Benchmarks and metrics may not be adjusted after university performance data has been received by the Board of Governors. Access rate benchmarks must be differentiated and scored to reflect the varying access rate levels among the state universities; however, the scoring system may not include bonus points.

Section 5. Subsection (4) of section 1004.085, Florida Statutes, is amended to read:

1004.085 Textbook and instructional materials
(4) Each Florida College System institution and state university board of trustees is authorized to adopt policies in consultation with providers, including bookstores, which allow for the use of innovative pricing techniques and payment options for textbooks and instructional materials. Such policies may include bulk pricing arrangements that enable students to purchase course materials or texts that are delivered digitally; delivered through other technologies that are, or the licenses of which are, required for use within a course; or delivered in a print format. Innovative pricing techniques and payment options must include an opt-in or opt-out provision for students and may be approved only if there is documented evidence that the options reduce the cost of textbooks and instructional materials for students taking a course.

Section 6. Effective upon this act becoming a law, paragraph (c) of subsection (2) of section 1004.346, Florida Statutes, is amended to read:

1004.346 Florida Industrial and Phosphate Research Institute.—

(2) PHOSPHATE RESEARCH AND ACTIVITIES BOARD.—The Phosphate Research and Activities Board is created to monitor the expenditure of funds appropriated to the university from the Phosphate Research Trust Fund.

(c) Members of the board appointed by the Governor shall
be appointed to 3-year terms. A board member may continue to
serve until a successor is appointed, but not more than 180 days
after the expiration of his or her term. A board member is
eligible for reappointment to subsequent terms.

Section 7. Subsection (4) of section 1011.90, Florida
Statutes, is amended to read:

1011.90 State university funding.—
(4) The Board of Governors shall establish and validate a
cost-estimating system consistent with the requirements of
subsection (1) and shall report as part of its legislative
budget request the actual expenditures for the fiscal year
ending the previous June 30. The legislative budget request must
also include 5-year trend information on the number of faculty
and administrators at each university and the proportion of FTE
dedicated to instruction and research compared to
administration. The Board of Governors, by regulation, shall
define faculty and administrator classifications and shall also
report the definitions in the legislative budget request. The
growth rate of administrators at a state university may not
exceed the growth rate of faculty at such university.
Expenditure analysis, operating budgets, and annual financial
statements of each university must be prepared using the
standard financial reporting procedures and formats prescribed
by the Board of Governors. These formats shall be the same as
used for the 2000-2001 fiscal year reports. Any revisions to
these financial and reporting procedures and formats must be approved by the Executive Office of the Governor and the appropriations committees of the Legislature jointly under the provisions of s. 216.023(3). The Board of Governors shall continue to collect and maintain at a minimum management information existing on June 30, 2002. The expenditure analysis report shall include total expenditures from all sources for the general operation of the university and shall be in such detail as needed to support the legislative budget request.

Section 8. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2020.